

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

Vol. 6, No. 38

September 17, 1987

Pages 1349-1368

IN THIS ISSUE . . .

Page

Rehabilitation Services Advisory Committee	1350
Notice of Meeting	1350
Kansas Commission on Wildlife and Parks	1350
Notice of Meeting	1350
Division of Services for the Blind Advisory Committee	1350
Notice of Meeting	1350
Board of Mortuary Arts	1350
Notice of Meeting	1350
Legislative Interim Committee Schedule	1351
State Board of Agriculture—Division of Water Resources	1352
Notice of Hearing on Proposed Administrative Regulations	1352
Department of Health and Environment	1352
Notice of Hearing on Proposed Administrative Regulations	1352
Notice of Hearing on State Priority System	1353
Public Notice	1353
Notice of Meeting	1353
Private Industry Council	1354
Notice of Meeting	1354
Attorney General	1354
Opinions No. 87-131 through 87-134	1354
Secretary of State	1355
Notice of Hearing on Proposed Administrative Regulations	1355
Notice to Bidders for State Purchases	1355
State Corporation Commission	1356
Notice of Motor Carrier Hearings	1356
Notice of Bond Sale	1358
City of Lawrence	1358
City of Frontenac	1361
Notice of Bond Redemption	1363
City of Troy	1363
Social and Rehabilitation Services	1364
Notice of Hearing on Proposed Administrative Regulations	1364
Department of Transportation	1366
Notice to Bidders	1366
Temporary Administrative Regulations	1366
Office of the Securities Commissioner	1366

State of Kansas
**SOCIAL AND REHABILITATION SERVICES
 REHABILITATION SERVICES ADVISORY
 COMMITTEE**

NOTICE OF MEETING

The Rehabilitation Services Advisory Committee will meet at 1 p.m. Thursday, September 24, in the Alcohol and Drug Abuse Services conference room on the second floor of the Biddle Building, 2700 W. 6th, Topeka.

JOAN B. WATSON
 Commissioner

Doc. No. 005778

State of Kansas
**SOCIAL AND REHABILITATION SERVICES
 DIVISION OF SERVICES FOR THE
 BLIND ADVISORY COMMITTEE**

NOTICE OF MEETING

The Division of Services for the Blind Advisory Committee meeting scheduled for September 18 has been rescheduled to 10 a.m. Thursday, October 8, in the Rehabilitation Center for the Blind conference room, 2516 W. 6th, Topeka.

RICHARD A. SCHUTZ
 Director, Division of
 Services for the Blind

Doc. No. 005777

State of Kansas
COMMISSION ON WILDLIFE AND PARKS

NOTICE OF MEETING

The Kansas Commission on Wildlife and Parks will meet Wednesday, September 23 and Thursday, September 24 in the downstairs conference room at the Wildlife Operations office in Pratt. The meeting will begin at 1:30 p.m. September 23.

Agenda items will include a tour of the Pratt office facilities, a brief budget review, an update on the status of the merger, and any other business.

The meeting may continue at 9 a.m. September 24 to conclude any unfinished business.

GERALD W. TOMANEK
 Chairman

Doc. No. 005764

State of Kansas
BOARD OF MORTUARY ARTS

NOTICE OF MEETING

The Kansas State Board of Mortuary Arts will meet Thursday, October 1 and Friday, October 2, in Topeka.

The October 1 meeting will begin at 8:45 a.m. in the board's office, Suite 856, Landon State Office Building, 900 S.W. Jackson. The October 2 meeting will be held at the Downtown Holiday Inn (City Centre), beginning with the administering of examinations at 9 a.m.

DOUGLAS "MACK" SMITH
 Executive Secretary

Doc. No. 005770

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$47.50; however, effective July 1, 1987, the subscription price will increase to \$55. Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

ISSN No. 0744-2254.

Postmaster. Send change of address form to Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594.

© Kansas Secretary of State 1987. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY
 BILL GRAVES
 Secretary of State
 2nd Floor, State Capitol
 Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of September 21 through October 4:

Date	Room	Time	Committee	Agenda
Sept. 21	514-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	Agenda unavailable.
Sept. 22	514-S	9:00 a.m.		
Sept. 21	423-S	10:00 a.m.	Special Committee on Federal and State Affairs	Agenda unavailable.
Sept. 22	423-S	9:00 a.m.		
Sept. 23	514-S	10:00 a.m.	Special Committee on Local Government	23rd: Discussion with K.U. Medical Center personnel on Proposal No. 26— Emergency Medical Services. 24th: Hearing on Proposal No. 24—General Obligation Bonds.
Sept. 24	514-S	9:00 a.m.		
Sept. 24	123-S	10:00 a.m.	Joint Committee on State Building Construction	Review of selected state agencies' FY 1989 capital improvement requests.
Sept. 25	123-S	9:00 a.m.		
Sept. 24	519-S	10:00 a.m.	Special Committee on Judiciary	Hearings on Proposal No. 16—Creditor-Debtor Exemptions.
Sept. 25	519-S	9:00 a.m.		
Sept. 27/28			Legislative Educational Planning Committee	Conference at Ramada Inn for invited administrators, board members, and others.
Oct. 1	423-S	10:00 a.m.	Special Committee on Ways and Means—SRS	Agenda unavailable.
Oct. 2	423-S	8:00 a.m.		

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

Doc. No. 005769

State of Kansas

**BOARD OF AGRICULTURE
DIVISION OF WATER RESOURCES**
**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 10 a.m. Friday, October 2, in Conference Room A of the Kansas State Board of Agriculture, 109 S.W. 9th, Topeka, at which time all interested persons will have an opportunity to be heard regarding the adoption of a proposed permanent rule and regulation of the Kansas State Board of Agriculture. This rule and regulation will become effective on May 1, 1988 as a permanent regulation. In addition, three regulations promulgated under the authority of the Water Appropriation Act, K.S.A. 82a-701 *et seq.*, will be revoked.

All interested persons may attend the hearing and those attending will be given an opportunity to express comments either orally or in writing, or both. For those persons unable to attend, written comments may be submitted to the Legal Division, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612, on or before the date of the hearing. For those persons intending to present testimony in person at the hearing, prior notice to this office would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentations to five minutes.

A summary of the proposed regulations is as follows:

- 5-10-1. Revoked.
- 5-10-2. Revoked.
- 5-10-3. Revoked.
- 99-32-1. Adopts technical changes in the existing regulation.

Copies of these regulations and the fiscal impact statements may be obtained by writing to Kenneth M. Wilke, Chief Counsel, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612.

SAM BROWNBACK
Secretary of Agriculture

DAVID L. POPE
Chief Engineer
Division of Water Resources

Doc. No. 005773

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**
**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

The Kansas Department of Health and Environment will conduct a public hearing at 10 a.m. Tuesday, October 6, in Conference Room A, Forbes Field, Building 740, Topeka, to consider the adoption of proposed permanent Kansas Department of Health and Environment rules and regulations.

K.A.R. 28-14-2 pertains to a schedule of fees for all public water supply systems submitting samples for analysis to the environmental laboratories of the Department of Health and Environment. The regulation, authorized by K.S.A. 65-156, 65-157 and 65-171m, is amended to establish fees for laboratory monitoring requirements which fees were not previously established and to fulfill the obligation that laboratory fees be consistent with the actual cost of laboratory services. The fiscal impact to the state is an estimated \$100,000 increase of fees to state general revenue, which will adjust the fees to be consistent with the current cost of analytical service. The fiscal impact to industry will result in slightly increased fees to be paid by public water supplies for laboratory services.

Copies of the rules and regulations and a fiscal impact statement may be obtained by contacting Dr. Roger Carlson, Department of Health and Environment, Forbes Field, Building 740, Topeka 66620-0001, (913) 296-1619.

All interested parties may submit comments prior to the hearing to the Secretary of Health and Environment at the address above. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally or in writing, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to limit oral presentations to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the secretary as the basis for making changes in these proposals.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 005774

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF HEARING ON
STATE PRIORITY SYSTEM**

A public hearing to discuss the proposed federal fiscal year 1988 priority system and list will be held at 10:30 a.m. Friday, October 16, at the Topeka-Shawnee County Health Department, 1615 W. 8th, Topeka.

The Bureau of Water Protection has made minor modifications and clarifications to the priority system. Comments on the system and list can be presented at the hearing or in writing prior to the hearing. Written comments should be addressed to Robert Nicholson, Bureau of Water Protection, Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka 66620.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 005776

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****PUBLIC NOTICE**

The Kansas Department of Health and Environment (KDHE), Forbes Field, Topeka, is providing public notice that on August 17, 1987, Charloma Fiberglass, Inc. located along North Highway 169 in Cherryvale, Kansas, submitted a request for a variance from specific hazardous waste regulations. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-4(g), which adopts by reference 40 CFR 265.176. This regulation requires that containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

Charloma Fiberglass Inc. generates spent acetone which is used in various cleaning operations. The spent acetone is stored until it can be reclaimed and later reused. Charloma Fiberglass proposes to store this waste approximately 40 feet from the north property line which borders a county road. The storage area will be located between the main building and a smaller storage building. The variance is requested because of the size of the property and because other areas of the site are unsuitable due to low and swampy conditions. KDHE has reviewed this request and visited the site, and has concluded that the variance is justified and has made a tentative decision to grant the variance.

In accordance with K.A.R. 28-31-13(b), public notice is being provided of this decision. Copies of the variance request will be available for public review from September 17 to October 17 from 8 a.m. to 4:30 p.m. weekdays at the KDHE, Building 730, Forbes Field, Topeka, and at the KDHE district office, 1500 W. 7th, Chanute.

Comments concerning this variance request may be directed to John Goetz, Hazardous Waste Section, KDHE, Topeka 66620. Comments must be submitted in writing prior to October 17. Requests for additional information may be made by contacting KDHE at (913) 296-1607.

Upon the written request of any interested person, a public meeting may be held to consider comments on this tentative decision. The person requesting a meeting shall state the issues to be raised and shall explain why written comments would not suffice to communicate the person's views. If a decision is made to conduct a public meeting a separate public notice detailing the date and place of a public meeting will be issued.

After evaluating all public comments, a final decision shall be made by the secretary and a notice of the final decision shall be published in the Kansas Register. If approved, any conditions or time limitations needed to comply with all applicable state or federal laws or to protect human health or safety or the environment shall be specified by the secretary. A date upon which the variance will no longer be valid shall be prescribed in the final decision.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 005772

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT****NOTICE OF MEETING**

The Kansas Department of Health and Environment has scheduled the first technical committee meeting for October 15 to review the credentialing application which seeks to license marriage and family therapists. The meeting is open to the public and will be held from 9 a.m. to 4 p.m. in conference room 106, Landon State Office Building, 900 S.W. Jackson, Topeka.

The purpose of the meeting is to allow the Kansas Association for Marriage and Family Therapy to summarize application contents and to allow the technical committee to discuss the application response and to ask for clarification of material.

For more information contact Cathy Rooney, Health Project Reviewer, at (913) 296-1281.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 005765

State of Kansas

DEPARTMENT OF HUMAN RESOURCES
PRIVATE INDUSTRY COUNCIL

NOTICE OF MEETING

The Private Industry Council for Service Delivery Area II of the Job Training Partnership Act will meet at 1:30 p.m. Thursday, September 24, at the ESSI Building, 1309 Topeka Blvd., Topeka.

CHARLES J. HERNANDEZ, JR.
SDA II PIC Manager

Doc. No. 005758

State of Kansas

ATTORNEY GENERAL

Opinion No. 87-131

Constitution of the State of Kansas—Corporations—Cities' Powers of Home Rule; Authority to Abate or Defer Special Assessments Levied under K.S.A. 12-6a01 et seq. Philip B. Wolfe, Bond Counsel for the City of Topeka, Topeka, September 3, 1987.

The home rule amendment to the Kansas Constitution authorizes a city to implement a program to relieve or defer special assessments based upon criteria established by the city if such a program may be incorporated into the framework of the legislative act which the city is using to authorize the special assessments and is not in conflict with that statutory framework. When special assessments have been lawfully levied on property benefited by municipal improvements and bonds issued in anticipation of payment of those assessments, all as authorized by K.S.A. 12-6a01 et seq., a city's use of home rule authority to "abate" or relieve those assessments well after completion of the prescribed statutory process for authorizing the improvements and assessments conflicts with the provisions of K.S.A. 12-6a01 et seq. Cited herein: K.S.A. 12-6a01; 12-6a04; 12-6a06; 12-6a07; 12-6a14; Kan. Const., Art. 12, § 5. MFC

Opinion No. 87-132

Counties and County Officers—County Commissioners—Home Rule Powers; Authority to Raise Quorum Requirements.

State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—Quorum Requirements for Boards of County Commissioners.

Statutes; Administrative Rules and Regulations and Procedure—Statutory Construction—Rules of Construction. Representative Connie Ames Kennard, 84th District, Wichita, September 4, 1987.

Unlike the statutes establishing quorum for each of the six categories of cities, there is no statute which specifically sets quorum for a board of county commissioners. K.S.A. 1986 Supp. 77-201 *Fourth* provides that a majority of a body of three or more members has authority to act on behalf of the entire body. In the

absence of a specific provision, this statute applies to establish the majority of the membership as quorum for a public body. K.S.A. 1986 Supp. 77-201 uniformly applies to all county commissions, regardless of size. Therefore, boards of county commissioners cannot use county home rule powers to require more than a majority of its members to constitute a quorum.

The Kansas Open Meetings Act (KOMA) requires meetings of public bodies to be open to the public. A "meeting" is a prearranged gathering by a majority of a quorum of a public body to discuss the business of the body. A quorum of a five-member board of county commissioners is three, and a majority of a quorum is two. The provisions of the KOMA, then, are triggered when two or more commissioners plan to get together to discuss county business. Cited herein: K.S.A. 19-101; K.S.A. 1986 Supp. 91-101a; K.S.A. 19-201, 75-4317; 75-4317a; K.S.A. 1986 Supp. 77-201 *Fourth*; Kan. Const. Art. 12, § 5. RLN

Opinion No. 87-133

Cities and Municipalities—Public Recreation and Playgrounds—Recreation Commission; Certification of Budget; Tax Levys. Philip C. Lacey, McPherson City Attorney, McPherson, September 9, 1987.

A joint (city-school district) district recreation system established under the provisions of L. 1987, ch. 71, § 4(c) is a "new recreation system" and is subject to a one mill levy limitation (for general purposes) in its first year of operation (L. 1987, ch. 71, §§ 4, 6). The aforesaid levy limitation applies where a joint district recreation system "replaces" a city recreation commission which levied 3 mills under K.S.A. 12-1901 et seq. Cited herein: K.S.A. 12-1901; L. 1987, ch. 71, §§ 4, 6. TRH

Opinion No. 87-134

Drainage and Levees—Watershed Districts; Taxation and Bonded Indebtedness—No-Fund Warrants.

Taxation—Miscellaneous Provisions—No-Fund Warrants for Emergencies. Ed Slusher, President, Salt Creek Watershed Joint District No. 104, September 9, 1987.

A watershed district issuing no-fund warrants under K.S.A. 24-1219, as amended, must make a tax levy at the first tax levying period after such warrants are issued sufficient to pay such warrants and interest. A watershed district may apply to the board of tax appeals for authority to issue no-fund warrants under K.S.A. 79-2939 only if the district incurs unanticipated expenses which could not have been foreseen at the time the district's budget for the current budget year was being prepared. Cited herein: K.S.A. 24-1219, as amended by L. 1987, ch. 122, § 8; 79-2939. BPA

ROBERT T. STEPHAN
Attorney General

Doc. No. 005775

State of Kansas

SECRETARY OF STATE

NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

The Secretary of State will conduct a public hearing on a proposed temporary administrative regulation at 10 a.m. Monday, October 5, in Room 242-N, State Capitol, Topeka.

The regulation proposed for adoption as a temporary and permanent regulation amends K.A.R. 7-31-4, which sets forth the fees for filing reference reports with the Secretary of State. The prior permanent regulation, K.A.R. 7-31-4, will be revoked.

It is estimated that the proposed temporary and permanent regulation will have no monetary impact on other governmental agencies or on the general public. The regulation should reduce the cost of filing reports for private businesses that currently file reference reports.

Copies of the proposed regulation and the fiscal impact statement can be obtained from the Secretary of State, State Capitol, Topeka 66612-1594. The Secretary of State will accept oral and written testimony prior to or at the time of the hearing for consideration in making changes to the proposed regulation prior to adoption.

BILL GRAVES
Secretary of State

Doc. No. 005760

State of Kansas

DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES

NOTICE TO BIDDERS

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 Jackson, Room 102, Topeka, until 2 p.m. C.D.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, SEPTEMBER 28, 1987

#25328

University of Kansas—LAUNDRY SERVICE,
Watkins Hospital

#25735

Department of Health and Environment—
PHARMACEUTICAL SERVICE, CRIPPLED AND
CHRONICALLY ILL CHILDREN'S PROGRAM

#26190

Department of Social and Rehabilitation
Services—COLLECTION SERVICES

#26224

Rainbow Mental Health Facility—LABORATORY
SERVICES

#26250

Department of Health and Environment—ENZYME
IMMUNOASSAY KITS

#26730

Department of Wildlife and Parks—LABORATORY
SERVICES

#27298

Emporia State University—ELEVATOR SERVICE
#27346

All state agencies in greater Topeka
area—TYPEWRITER MAINTENANCE SERVICE
#27699

Department of Transportation—LABORATORY
BALANCE SERVICE

#70785

University of Kansas—TERMINALS
#70794

Department of Administration, Division of
Printing—PLAIN PAPER COPIER

#70795

University of Kansas—PLAIN PAPER COPIER
#70802

University of Kansas—CHROMATOGRAPHY
EQUIPMENT

#70814

Kansas State Penitentiary—CHAIN LINK FENCING
AND ACCESSORIES

#70815

Wichita State University—RIDING MOWERS
#70833

Kansas State University—SPATIAL IMAGE
COMPUTER

#70853

Adjutant General's Department—COMPUTER
SYSTEM

#70902

Adjutant General's Department—INSTALLATION
OF HEATING AND AIR CONDITIONING SYSTEM,
Salina

#70903

Adjutant General's Department—INSTALLATION
OF HEATING AND AIR CONDITIONING UNIT,
Hutchinson

#70904

Adjutant General's Department—LABOR AND
MATERIALS FOR CONSTRUCTION AND
COMPLETION OF THE MODIFICATION OF
BUILDING, Fort Riley

#70905

Adjutant General's Department—LABOR AND
MATERIALS TO CONSTRUCT PRE-ENGINEERED
METAL BUILDING, Fort Riley

#70919

Adjutant General's Department—FURNISH ALL
LABOR AND MATERIALS TO CONSTRUCT
METAL BUILDING, Kansas City

#70920

Adjutant General's Department—FURNISH ALL
LABOR AND MATERIALS TO CONSTRUCT
METAL BUILDING, Smith Center

#70921

Adjutant General's Department—FURNISH ALL
LABOR AND MATERIALS TO CONSTRUCT
METAL BUILDING, Garnett

#70922

Adjutant General's Department—FURNISH ALL
LABOR AND MATERIALS TO CONSTRUCT
METAL BUILDING, Junction City

TUESDAY, SEPTEMBER 29, 1987

#A-5882

University of Kansas Medical Center—ROOFING
SYSTEM REPLACEMENT, DELP MEDICAL
PAVILION, Building No. 68202-00015

(continued)

#25740
Osawatomie State Hospital—LABORATORY SERVICES
#26728
Statewide—TYPEWRITERS
#27700
University of Kansas—DISHWASHING SUPPLIES
WEDNESDAY, SEPTEMBER 30, 1987

#A-5753
Adjutant General's Department—REROOF ORIGINAL MAINTENANCE SHOP #11
MUNICIPAL AIRPORT, Manhattan
#A-5907
Emporia State University—REMOVE AND REPLACE TWO (2) ROOFTOP COOLING/HEATING UNITS, Physical Ed Facility
#27474
University of Kansas Medical Center—NOVEMBER (1987) MEAT PRODUCTS

#27701
Osawatomie State Hospital—DISHWASHING SUPPLIES

#70836
Department of Revenue—SOFTWARE
#70837
Kansas State University—ELECTROPHORETIC EQUIPMENT

#70852
Department of Transportation—CRACK SEALANT, Salina

THURSDAY, OCTOBER 1, 1987

#A-5686(b)
Department of Administration—RESURFACE CAPITOL COMPLEX PARKING LOT #4
#27516
Statewide—NOVEMBER (1987) MEAT PRODUCTS

#69658-A
Department of Social and Rehabilitation Services—MICROFILM CAMERA
#70865

Kansas State Penitentiary—TOBACCO

#70866
University of Kansas—FLOOR MACHINES
#70872

Department of Transportation—PNEUMATIC ROLLERS, various locations

#70873
University of Kansas—TENONING MACHINES
#70874

Department of Transportation—GRADER AND SNOW PLOW BLADES, various locations

FRIDAY, OCTOBER 2, 1987

#27524
University of Kansas—NOVEMBER (1987) MEAT PRODUCTS

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 005768

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF MOTOR CARRIER HEARINGS

Applications set for hearing are to be heard at 9:30 a.m. before the State Corporation Commission, Docking State Office Building, fourth floor, Topeka, unless otherwise noticed.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, Docking State Office Building, Topeka 66612, (913) 296-3808 or 296-2110.

Your attention is invited to Kansas Administrative Regulations (K.A.R.) 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for September 29, 1987

Application for Abandonment of Certificate of Convenience and Necessity:

S.D.S., Inc.) Docket No. 141,644 M
Route 1)
El Dorado, KS 67042) MC ID No. 113243

Applicant's Attorney: None

Application for Certificate of Convenience and Necessity:

Lyle Hansen, dba) Docket No. 157,034 M
Hansen Trucking)
Route 2, Box 73)
Benkelman, KS 69021)

Applicant's Attorney: None

Grain, hay, salt, soybean meal and cattle,
Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Gerald Gossman, dba) Docket No. 157,038 M
G. W. Gossman Trucking)
3715 E. Parallel Road)
Garden City, KS)
67846-8948)

Applicant's Attorney: W. Robert Alderson, 1610 S.W. Topeka Blvd., P.O. Box 237, Topeka, KS 66612

Grain,

Between the Kansas counties of Wichita, Scott, Lane, Ness, Kearny, Finney, Hodgeman, Grant, Haskell, Gray, Ford, Stevens, Seward, Meade and Clark. Also,

Between points and places in the above counties, on the one hand, and places in the state of Kansas, on the other.

**Application for Certificate of Convenience
and Necessity:**

Thomas A. Masters, dba) Docket No. 157,041 M
Masters Hay & Grain)
Box 54)
Osage City, KS 66523)
Applicant's Attorney: None
*Hay, seed, livestock, salt, grain, dry feed, dry feed
ingredients, lumber, steel and wire products
and dry fertilizer,*
Between all points and places in Kansas.

Applications set for October 1, 1987

**Application for Certificate of Convenience
and Necessity:**

Dale Obermeyer, dba) Docket No. 157,036 M
Obermeyer Trucking)
Box 88)
Summerfield, KS 66541)
Applicant's Attorney: William Barker, 3401 S.W.
Harrison, Topeka, KS 66611
*Grain, dry feed, dry feed ingredients, dry fertilizer,
dry fertilizer ingredients and salt,*

Between points in Washington, Marshall, Nemaha,
Clay, Riley and Pottawatomie counties, Kansas, on the
one hand, and on the other, all points and places in
Kansas.

**Application for Certificate of Convenience
and Necessity:**

William J. Keck) Docket No. 157,040 M
11036 S.W. 89th)
Auburn, KS 66402)
Applicant's Attorney: William Barker, 3401 S.W.
Harrison, Topeka, KS 66611
Vehicles,

Between points in Shawnee County, on the one
hand, and on the other, all points and places in Kansas.

**Application for Certificate of Convenience
and Necessity:**

Clayton Stephenson, dba) Docket No. 157,039 M
C & E Motors)
303 S. Main)
Eskridge, KS 66423)
Applicant's Attorney: None
*Wrecked, disabled, repossessed and replacement
motor vehicles and trailers,*

Between all points and places in Wabaunsee, Lyon,
Morris, Geary, Riley, Pottawatomie, Shawnee and
Osage counties.

Also,

Between all points and places in the above de-

scribed territory, on the one hand, and all points and
places in the state of Kansas, on the other hand.

**Application for Certificate of Convenience
and Necessity:**

Michael E. Waltermath) Docket No. 157,037 M
Route 2, Box 97)
King City, MO 64463)
Applicant's Attorney: W. Robert Alderson, 1610 S.W.
Topeka Blvd., P.O. Box 237, Topeka, KS 66612
Feed and feed ingredients, grain and livestock,
Between points and places on and east of U.S. 81 in
the state of Kansas.

Also,

Between points and places in the above described
area, on the one hand, and on the other, points and
places in the state of Kansas.

**Application for Certificate of Convenience
and Necessity:**

David Hilker, dba) Docket No. 149,828 M
David Hilker Trucking)
Box 877)
Cimarron, KS 67835)
Applicant's Attorney: Eugene Hiatt, 627 S. Topeka
Blvd., Topeka, KS 66603-3294
*Livestock, grain, feed, feed ingredients and fertilizer,
dry and liquid (except hazardous materials),*

Between all points and places west of U.S. 81, on
the one hand, and all points and places in the state of
Kansas, on the other hand.

**Application for Transfer of Certificate of
Convenience and Necessity:**

D-J Oil Co., Inc.) Docket No. 106,966 M
Route 4)
Chanute, KS 66720) MC ID No. 101678
TO:
Miura Petroleum, Inc.
600 W. Cherry St.
Chanute, KS 66720

Applicant's Attorney: Clyde Christey, Southwest
Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS
66614

*Crude oil, used in and for production, processing,
treating, salvage, construction and for lease road
purposes, in bulk, fresh water and salt water,*

Between points in the counties of Neosho, Wilson,
Montgomery, Labette, Allen, Woodson, Coffey,
Anderson, Linn, Franklin and Miami, Kansas.

(continued)

Application set for October 6, 1987

**Application for Certificate of Convenience
and Necessity:**

Jim Leeper, dba) Docket No. 157,042 M
Ram-Tow)
Route 3, Box 167)
Harper, KS 67058)

Applicant's Attorney: William Barker, 3401 S.W.
Harrison, Topeka, KS 66611

*Wrecked, disabled, repossessed and
replacement vehicles,*

Between points in Kingman, Barber, Harper and
Sumner counties, Kansas, on the one hand, and on the
other, all points and places in Kansas.

**Application for Certificate of Convenience
and Necessity:**

Robert Woolsey) Docket No. 157,043 M
1515 E. 2nd)
Friend, NE 68359)

Applicant's Attorney: Clyde Christey, Southwest
Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS
66614

*Grain, hay, dry feed, dry feed ingredients,
seeds and salt,*

Between points and places on and west of U.S. 81
and I-35.

Also,

Between points and places in the above described
territory, on the one hand, and points and places in the
state of Kansas, on the other hand.

**Application for Abandonment of Certificate of
Convenience and Necessity:**

R. B. Coffey, Jr., dba) Docket No. 90,564 M
Coffey's Wrecker Service)
2619 S. 4th)
Leavenworth, KS 66048) MC ID No. 101073

Applicant's Attorney: None

**Application for Certificate of Convenience
and Necessity:**

Robert Stanton, dba) Docket No. 157,044 M
Bob's Truck and Tractor)
P.O. Box 1461)
Dodge City, KS 67801)

Applicant's Attorney: Larry Gregg, 3401 S.W.
Harrison, Topeka, KS 66611

*Machinery, transportation equipment, construction
equipment, and materials, parts and supplies
for machinery, transportation equipment and
construction equipment,*

Between points in Gray, Meade, Hodgeman, Ford,
Clark, Edwards, Kiowa and Comanche counties, Kan-

sas, on the one hand, and on the other, all points and
places in the state of Kansas.

**Application for Certificate of Convenience
and Necessity:**

Steve Burkholder) Docket No. 157,045 M
6445 E. Parkview)
Wichita, KS 67219)

Applicant's Attorney: None

*Wrecked, disabled, repossessed and replacement
motor vehicles and trailers,*

Between all points and places in Sedgwick, Harvey,
Butler, Sumner, Kingman, Reno and Marion counties,
Kansas.

Also,

Between all points and places in the above named
counties, on the one hand, and all points and places in
the state of Kansas, on the other.

ALFONZO A. MAXWELL
Administrator
Transportation Division

Doc. No. 005767

(Published in the KANSAS REGISTER, September 17, 1987.)

**NOTICE OF BOND SALE
\$350,000**

**Airport Improvement Bonds
Series E 1987 (Taxable)
of the**

**City of Lawrence, Kansas
(interest is not excludable from
federal gross income)**

**(general obligation bonds payable
from unlimited ad valorem taxes)**

Sealed Bids

Sealed bids will be received by the undersigned,
city clerk of the city of Lawrence, Kansas, on behalf of
the governing body at the City Hall, 6 E. 6th, Law-
rence, until 11 a.m. C.D.T. on Tuesday, September 22,
1987, for the purchase of \$350,000 principal amount of
airport improvement bonds, Series E, 1987, of the city
hereinafter described. All bids will be publicly
opened and read at said time and place and will be
acted upon by the governing body at the regular
meeting of the governing body to be held at 7 p.m. on
such date. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in
denominations of \$5,000 or any integral multiple
thereof, dated October 1, 1987, and becoming due
serially on March 1 and September 1 in the years as
follows, beginning September 1, 1988:

Maturity	Principal Amount
9/1/1988	\$35,000
9/1/1989	35,000
9/1/1990	35,000

9/1/1991	35,000
9/1/1992	35,000
9/1/1993	35,000
9/1/1994	35,000
9/1/1995	35,000
9/1/1996	35,000
9/1/1997	35,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1988.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Kansas Attorney General. The bonds may be registered as fully registered certificated or uncertificated (book entry) bonds at the option of each registered owner.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondowners.

The number and denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and the bond registrar at least two weeks prior to the closing date. In the absence of such information, the city will deliver one bond per maturity registered in the name of the manager of the successful bidder.

The initial reoffering price to the public by the original purchaser shall be furnished to the city at least one week prior to the closing date. A certificate setting forth such reoffering price to the public shall be furnished by the original purchaser to the city at closing.

Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1988 to 1994, inclusive, shall become due without option of prior payment. At the option of the city, bonds maturing in the years 1995 and thereafter may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the city in such equitable manner as it may determine) on September 1, 1994, or on any interest payment date thereafter at the redemption price of 100 percent (expressed as a percentage of the principal amount), plus accrued interest to the redemption date.

Whenever the city is to select bonds for the purpose of redemption, it will, in the case of bonds in denomi-

nations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the city elects to call any bonds for redemption and payment prior to the maturity thereof, the city will publish once in the Kansas Register a notice of the intention of the city to call and pay said bonds, the same being described by number and maturity, said notice to be published not less than 30 days prior to the date on which said bonds are called for payment. The city will also give written notice of its intention to call and pay said bonds on a specified date, said notice to be mailed by United States certified mail addressed to the registered owners of said bonds, to the Kansas State Treasurer, Topeka, Kansas, to the paying agent, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest, as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate may exceed a rate equal to the index of treasury bonds published by the weekly Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. No rate specified may be lower than any rate specified for an earlier maturity of the bonds. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid must specify the total interest cost to the city during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid must also specify the average annual net interest rate to the city on the basis of such bid.

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the governing body will determine which bid, if any, shall be accepted, and its determination will be

(continued)

final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid.

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-1736 to 12-1739, inclusive, as amended, for the purpose of paying a portion of the cost of certain airport improvements. The bonds and the interest thereon will constitute general obligations of the city, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Legal Opinion and Tax Exemption

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

In the opinion of bond counsel, the interest on the bonds is not excludable from gross income of the owners thereof for federal income tax purposes. The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities and townships. A form of bond counsel's opinion is contained in the official statement of the city with respect to the bonds.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere will be made at the expense of the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the city.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. Good faith checks submitted by unsuccessful bidders will be returned. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder has complied with all of the terms and conditions of this notice. If a bid is accepted but the city fails to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be re-

tained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on the certificated bonds or assigned to uncertificated bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto will constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid for by the city.

Bond Rating

The outstanding general obligation bonds of the city are rated "A-1" by Moody's Investor Service, Inc. The city has not applied for a rating on the bonds herein offered for sale.

Bid Forms

All bids must be made on forms which may be procured from the city clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The city reserves the right to waive irregularities and to reject any and all bids.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk, and marked "Proposal for Airport Improvement Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 11 a.m. C.D.T. on Tuesday, September 22, 1987.

Official Statement

The city has prepared an official statement dated September 15, 1987, copies of which may be obtained from the city clerk. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered by the successful bidder at his expense.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1986 is \$173,149,099. The total general obligation indebtedness of the city for purposes of calculation of statutory debt limitations, as of the date of the bonds, including the bonds being sold, is \$24,112,725. Temporary notes in the principal amount of \$350,000 will be retired out of proceeds of the bonds and other available funds.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk or from Gilmore & Bell, Overland Park, Kansas, bond counsel.

Dated September 8, 1987.

CITY OF LAWRENCE, KANSAS
Raymond J. Hummert, City Clerk
City Hall, 6 E. 6th
Lawrence, KS 66044
(913) 841-7722

(Published in the KANSAS REGISTER, September 17, 1987.)

NOTICE OF BOND SALE \$200,000

General Obligation Internal Improvement Bonds
Series 1987-1
of the

City of Frontenac, Kansas
(general obligation bonds payable
from unlimited ad valorem taxes)

Sealed Bids

Sealed bids will be received by the undersigned, city clerk of the city of Frontenac, Kansas, on behalf of the governing body at the City Hall, 315 E. McKay, P.O. Box 1012, Frontenac, until 7 p.m. C.D.T. on Thursday, October 15, 1987, for the purchase of \$200,000 principal amount of general obligation internal improvement bonds, Series 1987-1, of the city hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in denominations of \$5,000 or any integral multiple thereof, dated November 1, 1987, and becoming due serially on October 1 in the years as follows:

Year	Principal Amount
1989	\$ 5,000
1990	5,000
1991	5,000
1992	5,000
1993	5,000
1994	5,000
1995	5,000
1996	10,000
1997	10,000
1998	10,000
1999	10,000
2000	10,000
2001	10,000
2002	10,000
2003	15,000
2004	15,000
2005	15,000
2006	15,000
2007	15,000
2008	20,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1989.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each

interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Kansas Attorney General.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondowners.

The number, denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date. In the absence of such information, the city will deliver one bond per maturity registered in the name of the manager of the successful bidder. The initial reoffering price to the public by the original purchaser shall be furnished to the city at least one week prior to the closing date. A certificate setting forth such initial reoffering price to the public shall be furnished to the city by the original purchaser at closing.

Redemption of Bonds Prior to Maturity

Bonds maturing in the years 1989 to 1998, inclusive, shall become due without option of prior payment. At the option of the city, bonds maturing in the years 1999 and thereafter may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the city in such equitable manner as it may determine) on October 1, 1998, or on any interest payment date thereafter at the redemption price of 103 percent (expressed as a percentage of the principal amount), plus accrued interest to the redemption date.

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the city shall elect to call any bonds for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to call and pay said bonds on a specified date, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the Kansas State Treasurer, Topeka, Kansas, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-631t, 12-631w, 12-626 to 629 *et seq.*, 12-619 *et seq.* and

(continued)

12-624, as amended, for the purpose of paying the cost of certain sewer improvements. The bonds and the interest thereon will constitute general obligations of the city, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk, and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 7 p.m. C.D.T. on October 15, 1987.

Bid Forms

All bids must be made on forms which may be procured from the city clerk or the financial adviser. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The city reserves the right to waive irregularities and to reject any and all bids.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate shall exceed a rate equal to the index of treasury bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 4 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the city during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid.

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the governing body shall determine which bid, if any, shall be accepted, and its determination shall be final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bids received after 7 p.m. C.D.T. on

the date the bids are due will be returned to the bidder unopened.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable to the order of the city. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

Official Statement

The city has prepared an official statement dated September 7, 1987, copies of which may be obtained from the city clerk or from the financial adviser. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered by the successful bidder at his expense.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before November 13, 1987, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the city.

CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city, for the year 1986, is as follows:

Equalized assessed valuation of taxable tangible property	\$4,316,748
Tangible valuation of motor vehicles	\$1,856,207

Equalized assessed tangible valuation for
computation of bonded debt limitations \$6,172,955

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$600,000.

Legal Opinion and Tax Exemption

All matters incidental to the authorization and issuance of the bonds are subject to the approval of Gilmore & Bell, Wichita, Kansas, bond counsel.

In the opinion of bond counsel, under existing law, the interest on the bonds (a) is excludable from gross income for federal income tax purposes and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the city comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be so includable in gross income retroactive to the date of issuance of the bonds. The city has covenanted to comply with all such requirements.

Prospective purchasers of the bonds should be aware that (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section 265(b)(5) of the code); (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986 and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year, if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement ben-

efits to take into account, in determining gross income, receipts or accruals of interest on the bonds.

The bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the code), a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds.

Bond counsel expresses no opinion regarding other federal tax consequences with respect to the bonds.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships.

A form of bond counsel's opinion is contained in the official statement of the city with respect to the bonds.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk or from the financial adviser, Kenneth E. Smith, Municipal Bond Consultant, 150 N. Parkwood, Wichita, KS 67208.

Dated September 7, 1987.

CITY OF FRONTENAC, KANSAS

By Richard Cicero

City Clerk

City Hall

315 E. McKay

P.O. Box 1012

Frontenac, KS 66762

(316) 231-9210

Doc. No. 005762

(Published in the KANSAS REGISTER, September 17, 1987.)

NOTICE OF REDEMPTION

City of Troy, Kansas

Industrial Revenue Bonds

Series 1978

Doniphan County Cable TV, Inc.

Notice is hereby given that pursuant to Section 3 of Ordinance No. 501 of the city of Troy, Kansas, passed and approved on November 14, 1978, all bonds maturing after October 1, 1987 will be redeemed at a redemption price of 102 percent of the principal amount thereof, plus accrued interest thereon to said redemption date.

All bonds will be due and payable at the Exchange Bank of Schmidt & Koester, Marysville, Kansas. All coupons maturing subsequent to October 1, 1987 must be attached and surrendered with said bonds.

Dated September 1, 1987.

The Exchange Bank of Schmidt and
Koester—Trustee and Paying Agent
823 Broadway, P.O. Box 311
Marysville, KS 66508

Doc. No. 005761

State of Kansas

SOCIAL AND REHABILITATION SERVICES**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, October 6, in the Staff Development Training Center, 2700 W. 6th, Topeka.

The scheduled agenda includes:

- Discuss staff proposals concerning permanent administrative regulations.
- Public hearing concerning proposed temporary administrative regulations. The summary and fiscal or financial impact are set forth below. The fiscal impact statements have been figured on a six-month basis. "Minimal" means that the estimated fiscal impact (savings or expenditures) is less than \$50,000. Proposed regulations K.A.R. 30-4-62 and 30-4-75 are scheduled to become effective November 1, 1987. Proposed regulations K.A.R. 30-5-76, 30-10-18 and 30-22-30 are scheduled to become effective upon adoption by the State Rules and Regulations Board.
- Adoption of proposed temporary regulations.

A. Public Assistance Program

1. 30-4-62. Community work experience program requirements. This regulation is being amended to exempt the caretaker relative who is personally providing care for a child with only brief and infrequent absences from the child when the child is younger than age three. Previously this exemption was applicable when the child was less than six years of age.

Fiscal Impact: Minimal increase in expenditures.

2. 30-4-75. ADC work incentive program registration requirements. This regulation is being amended to exempt the caretaker relative who is personally providing care for a child with only brief and infrequent absences from the child when the child is younger than three. Previously this exemption was applicable when the child was less than six years of age.

Fiscal Impact: Minimal increase in expenditures.

B. Medicaid/Medikan Program—Provider Participation, Scope of Services, Reimbursement.

1. 30-5-76. Scope of and reimbursement for dental and optometric services for job preparation program recipients. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-5-76. Scope of and reimbursement for dental and optometric services for job preparation program recipients. The scope of dental and optometric services for job preparation program recipients shall be in excess of the scope of dental and optometric services covered by the medicaid/medikan program if prior authorization is granted. Reimbursement for dental and optometric services for job preparation program recipients which are in excess of medic-

aid/medikan covered services shall be at the medicaid reimbursement rate.

Fiscal Impact: Minimal increase in expenditures.

C. Medicaid/Medikan Program—Adult Care Homes

1. 30-10-18. Rates of reimbursement. Subsection (h) of this regulation is being amended to read as follows:

(h) Projected survey correction budget to meet survey requirements.

(1) Intermediate care facilities for the mentally retarded (ICF-MR) required by a state or federal certification survey to incur additional operating costs in excess of \$125,000, for facilities with more than 15 beds and \$40,000, for facilities with 15 beds or less to meet certification requirements, shall be allowed to file a projected survey correction budget.

The projected survey correction budget shall be based on a proposed budget for the survey corrections for the provider's most immediate future 12-month period. The projection period shall end on the last day of a calendar month. Copies of the survey deficiencies shall be attached to the projected survey correction budget.

(2) The projected survey correction budget shall be reviewed for reasonableness and appropriateness by the agency before the rate or rates are established for the projection period. The projected budget items which are determined to be unreasonable or not appropriate to the survey corrections shall be excluded.

(3) A reasonable add-on to the per diem rate already in effect shall be determined from the reviewed correction budget. The increases to the per diem rate shall not be limited by K.A.R. 30-10-18(a)(2).

(4) Within three months after the end of the projection period, the provider shall submit sufficient documentation for audit of its actual expenditures for the survey corrections. The add-on adjustments shall be reduced for any amounts of the survey correction budget not spent for purposes reasonable and appropriate to the survey corrections.

Fiscal Impact: Estimated increased expenditures of \$4,000,000 (federal funds—\$2,120,000, state funds—\$1,880,000).

D. Licensing of Psychiatric Hospitals and Community Mental Health Centers; Funding of Community Mental Health Centers and Facilities for the Mentally Retarded and Facilities for Handicapped Persons.

1. 30-22-30. Application for state financing of community mental health centers. This regulation is being amended to read as follows:

30-22-30. Application for state financing of community mental health centers. (a) Community mental health centers may apply for state financing under L. 1987, Ch. 249, Sections 1 through 12 by submitting an annual budget request to the secretary of social and rehabilitation services.

(b) Budget requests shall be submitted to the secretary by July 1 of each year unless a delay is granted in writing.

(c) Budgets shall be submitted on forms and according to instructions prescribed by the secretary.

(d) When an existing program is adequately serving a geographic area, a duplicate program shall not be requested in the budget of a center. Reasonable efforts shall be made to make the existing service available to all citizens in the area through contractual agreement with the provider of the existing service, if necessary.

(e) When a new program is to be implemented by a center, the center must notify the secretary 45 days in advance of program initiation in order to receive approval as a non-duplicate program in the center catchment area. In determining whether a new program duplicates an existing program, the secretary will consider pre-existing programs in the center catchment area and the availability of the pre-existing programs to all groups of catchment area citizens.

(f) As soon as state appropriation bills are signed into law, the amount available for each center that has submitted a budget shall be determined by the secretary. The amount shall be equal to the amount that the center's average grant would have been under the Kansas community mental health assistance act for the fiscal years ending on June 30, 1986, June 30, 1987, and June 30, 1988, if such act had not been repealed and if appropriations for the fiscal year ending June 30, 1988 to finance grants under such act had remained constant from the previous fiscal year plus each mental health center's pro rata share of any increase in moneys, including any inflation adjustments, appropriated for such purpose. The amounts so determined shall be paid to the centers in four payments on July 1, October 1, January 1 and April 1.

(g) Each center shall submit a quarterly report within 30 working days after the end of each calendar quarter. The report shall be on forms and in such detail as prescribed by the secretary.

(h) Each center shall file a copy of its annual audit report that has been certified by an independent auditor.

(i) Underpayments, overpayments or payments exceeding the maximum allowed by statute shall be subtracted from or added to the payment made on April 1.

(j) The secretary may withdraw funds from any center for one or more of the following reasons:

(1) Not being substantially administered according to the annual budget;

(2) loss of license granted in accordance with the provisions of K.S.A. 75-3307b and amendments thereto; or

(3) net loss in a new program which did not receive approval by the secretary and which is found to be a duplicate program within the center catchment area. The secretary shall verify the amount of income and disbursements related to such programs in determining any net loss with audits conducted by auditors of the department of social and rehabilitation services. The amount withdrawn will be

equal to the net loss of the program determined after each 12 months of operation.

(k) The secretary may withhold payments from a center or facility for one or more of the following reasons:

(1) Failure to submit required reports;

(2) unreasonable delay in the submission of required reports; or

(3) other good cause.

(l) Quarterly payments described in subsection (e) will be made to a new or realigned community mental health center catchment area only after each new or realigned catchment area has been approved in accordance with K.A.R. 30-22-13 and 30-22-14. The financial plan required in K.A.R. 30-22-13(c)(6) shall include a new or revised budget as required in subsection (c).

(m) Special purpose grants may be awarded by the secretary if appropriated by the legislature for that purpose. The secretary shall consider legislative intent and identified local needs in awarding such grants.

Fiscal Impact: None.

A copy of the proposed regulations and the complete fiscal impact statements may be obtained prior to October 6 by contacting Mary Slaybaugh, Legal Services, 6th Floor, Docking State Office Building, Topeka 66612, (913) 296-3969. Written comments may be submitted prior to such date to Winston Barton, Secretary of Social and Rehabilitation Services, at the same address.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed temporary regulations. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit his or her oral presentation to three minutes.

The public is invited to this meeting. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Osawatomie, Parsons, Pittsburg, Pratt, Salina, Topeka (area office and Docking State Office Building), Wichita and Winfield.

WINSTON BARTON
Secretary of Social and
Rehabilitation Services

Doc. No. 005771

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO BIDDERS

Sealed bids on Quotation 6933 for the sale of used trucks and used equipment located in the Kansas Department of Transportation district yard, Topeka, will be received until 10 a.m. Thursday, October 1.

Bid blanks may be obtained from Farrell D. Maichel, Chief Procurement Officer, 7th Floor, Docking State Office Building, Topeka, or Phillip L. Stallard, Acting District Engineer, Topeka.

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 005766

State of Kansas

OFFICE OF THE SECURITIES
COMMISSIONERTEMPORARY ADMINISTRATIVE
REGULATIONS

Article 2.—FILING, FEES, FORMS

81-2-1. Filing, fees and forms. All applications, petitions, amendments, reports and complaints shall be governed by the following requirements: (a) Filing. A document is filed when it is received in the office of the securities commissioner, or as defined by K.S.A. 1986 Supp. 17-1254(j)(3)(A).

(b) Fees. All fees shall accompany the application or supplemental amendment to which they pertain and shall be paid by check or money order to the securities commissioner of Kansas, except as required by K.S.A. 1986 Supp. 17-1254(j)(2)(C).

(c) Copies. Copies of documents filed and recorded in the office of the securities commissioner, certified upon request, may be provided for a service charge of 25 cents per page, payable in advance.

(d) Forms. The following forms have been adopted for use.

FORM

TITLE

(1) Uniform forms:

ADV	Uniform application for investment adviser registration
ADV-S	Annual report for investment advisers
ADV-W	Notice of withdrawal from registration as investment adviser
BD	Uniform application for broker-dealer registration
BDW	Uniform request for withdrawal from registration as a broker-dealer
D	Notice of sales of securities
U-1	Uniform application to register securities
U-2	Uniform consent to service of process
U-2A	Uniform corporation resolution
U-4	Uniform application for securities industry registration or transfer
U-5	Uniform termination notice for securities industry registration

(2) Kansas forms:

K-1	Sales report/renewal application
K-4	Application for registration of securities
K-4A	Application for exemption from registration [pursuant to K.S.A. 1985 Supp. 17-1261(h)]

K-5	Consent to service
K-6	Corporate resolution
K-12	Annual report for non-profit organizations

(Authorized by and implementing K.S.A. 1986 Supp. 17-1270; effective Jan. 1, 1966; amended, E-70-15 Feb. 4, 1970; amended Jan. 1, 1971; amended, E-77-40, Aug. 12, 1976; amended Feb. 15, 1977; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-29, Aug. 19, 1987.)

Article 4.—REGISTRATION
OF SECURITIES

81-4-1. Registration of securities. (a) Original applications. Application to register securities for sale in the state of Kansas shall be filed with the commissioner in substantially the form and content required by the application form specified in K.A.R. 81-2-1(d) together with the exhibits required for applications for registration by either notification, coordination or qualification. Each application shall be accompanied by the fee specified in K.S.A. 17-1259(b)(1), and amendments thereto based on the amount of securities to be registered.

(1) Applications for registration, post-effective amendments, and extension applications of a face-amount certificate company or an open-end management company or unit investment trust shall be limited to a maximum aggregate offering amount of \$10,000,000.

(2) Any application for which notification has been filed with the SEC under Regulation A shall be filed with this office only by qualification.

(b) Amendment applications. Applications for post-effective amendment to securities registration may be accomplished by filing applicable amended documents required with the registration statement. Each application for post-effective amendment of the name of the issuer or aggregate amount of securities registered shall be accompanied by a fee of \$100 as specified in K.S.A. 17-1259(b)(2), and amendments thereto. Amendments to increase the aggregate amount of securities registered may require payment of an additional fee specified in K.S.A. 17-1259(b)(1), and amendments thereto, unless the annual maximum fee under that section has been paid.

(c) Extension applications. (1) Applications to extend the period of effectiveness for securities registration pursuant to K.S.A. 17-1259(a), and amendments thereto, shall include the following:

(A) Form K-1 or a uniform form which includes the same information;

(B) a filing fee of \$100 as specified in K.S.A. 17-1259(b)(2), and amendments thereto;

(C) a registration fee as specified in K.S.A. 17-1259(b)(1), and amendments thereto, based on the aggregate amount of securities to be offered during the extended period of effectiveness;

(D) one copy of the prospectus to be provided for offers during the extended period of effectiveness which includes audited financial statements for the most recent fiscal year of the issuer. If the extension request occurs before such statements are available,

the issuer shall undertake to file an updated prospectus containing the statements no later than 90 days after the end of the fiscal year.

(2) Extensions of registration shall remain effective for one year. The effective date of an extension of registration shall be the date upon which the previous effective registration period expired.

(3) The due date for filing extension applications shall be 30 days prior to the date on which a registration is due to expire.

(d) Abandoned applications. (1) Applications on file with the commissioner for 6 months or more shall be deemed abandoned if no response to inquiries or deficiency notices of the commissioner's staff has been filed as requested.

(2) Abandoned applications will be disregarded and a notice of abandonment shall be issued by the commissioner after reasonable inquiry. Further consideration of abandoned applications shall require the filing of a new, complete application. (Authorized by K.S.A. 1986 Supp. 17-1270(f); implementing K.S.A. 17-1259 as amended by 1987 Senate Bill 66; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, T-88-29, Aug. 19, 1987.)

Article 5.—EXEMPTIONS

81-5-3. Exemption Filing Fees. The following fees shall be remitted with filings requesting exemptions from securities registration or interpretive opinions:

(a) A fee of \$100 with each filing required for compliance with the Uniform Limited Offering Exemption as specified in K.A.R. 81-5-6;

(b) a fee of \$100 with each notification filed in compliance with K.S.A. 17-1261(j) pertaining to an employee stock benefit plan;

(c) a fee of \$100 with each filing required by K.S.A. 17-1261(m)(3), except that no fee shall be required for secondary trading of securities registered in Kansas if the final sales report required by K.S.A. 17-1259(a) has been filed in compliance with K.A.R. 81-9-1;

(d) a fee of \$100 with each notice filed in connection with offers to existing security holders as may be required by K.S.A. 17-1262(i);

(e) a fee of \$100 with each notice filed in connection with merger or reorganization transactions as required by K.S.A. 17-1262(1); and

(f) a fee of \$100 with each request for a no-action letter or interpretive opinion letter from the commissioner or staff. (Authorized by K.S.A. 1986 Supp. 17-1270(f); implementing K.S.A. 17-1259 as amended by 1987 Senate Bill 66; effective, T-88-29, Aug. 19, 1987.)

Article 8.—EFFECTIVENESS AND POST-EFFECTIVE REQUIREMENTS

81-8-1. Effectiveness and post-effective requirements. When an application for registration has been accepted and declared effective by the commissioner it shall be designated as a "registration statement" and the offering may be commenced in accordance with the terms and conditions of the order or notice of

effectiveness and governed by the following provisions:

(a) Effectiveness. If no stop order, stay order or notice of deficiency has been entered, and all deficiencies, if any, have been corrected, then registration shall become effective at the time specified in K.S.A. 17-1256(c) for registration by notification, or K.S.A. 17-1257(c) for registration by coordination, or K.S.A. 17-1258(b) for registration by qualification. A notice of deficiency is deemed to represent a pending proceeding under K.S.A. 17-1260 for purposes of precluding automatic effectiveness as provided in K.S.A. 17-1256(c) and K.S.A. 17-1257(c).

(b) Amendments to registration statements. During the period of effectiveness, if any statement, document or information contained in the registration statement or offering circular becomes inaccurate, incorrect or misleading, or in light of changes in circumstances, addendums are made necessary in order to present a full disclosure of material facts affecting the issuer's business or the offering, or if the commissioner requests additional information, the registrant shall file a correcting amendment no later than 15 days following such event. A registration statement relating to a security issued by a face amount certificate company or a redeemable security issued by an open-end management company or unit investment trust, as those terms are defined in the investment company act of 1940, may be amended after its effective date to increase the amount of registered securities to be offered. Amendment application requirements and fees are specified in K.A.R. 81-4-1(b). (Authorized by K.S.A. 1986 Supp. 17-1270(f); implementing K.S.A. 17-1256; 17-1257; 17-1264; effective Jan. 1, 1966; amended, T-88-29, Aug. 19, 1987.)

Article 9.—ANNUAL REPORTS

81-9-1. Final reports. Every registrant who has securities registered by qualification, notification, or coordination shall upon completion or termination of the offering file a final report of sales with the commissioner on Form K-1, or in such other form which includes the same type of information. (Authorized by K.S.A. 17-1270(f); implementing K.S.A. 17-1259 as amended by Senate Bill 66; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, T-88-29, Aug. 19, 1987.)

M. DOUGLAS MAYS
Securities Commissioner

Doc. No. 005742

KANSAS REGISTER
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594

Second Class
postage paid
at
Topeka, Kansas

**Use this form (or a copy of it) to enter a
SUBSCRIPTION**

_____ One-year subscriptions @ \$55 ea.

Total Enclosed _____
(Make checks payable to Kansas Register)

SEND TO: _____
(Please, no
more than
4 address
lines.)

Zip code must be included

This space for Register office
use only, please

Code _____ Rec. No. _____
Expires _____ Entered By _____

Mail order, with payment, to: Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594

**Use this form (or a copy of it) for
CHANGE OF ADDRESS**

Remove your mailing label (above) and affix it here:

Indicate change or correction of name or address
here:

Mail to: Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594